

## Exhibit "A"

May 1, 2006

Mayor & City Council  
County-City Building  
Lincoln, Nebraska 68508

RE: Report of Claims Against the City of Lincoln for April 16 through April 30, 2006

Dear Mayor & Council:

The following is a report of claims against the City of Lincoln which have been disposed of, or are pending, for the period of April 16 through April 30, 2006. This report will describe the claims and the dispositions or status of these claims.

### **ALLOWED/SETTLED CLAIMS:**

**Farmers Mutual of Nebraska (Claim No. P0515212/Lavelle Hansen, Insured)** filed a subrogation claim during the month of February, 2006, in the amount of \$3,000 as the result of a sanitary sewer back-up at insured's residence. This claim has been reviewed by this office and has been **allowed** in the amount of \$3,000.

**Joni Day and Roger Day** filed a claim during the month of February, 2006, in the amount of \$5,832.04 for damages incurred as the result of a sanitary sewer back-up. This claim has been reviewed by this office and has been **settled** in the amount of \$5,552.04.

**Tom Slocum and Cindy Slocum** filed a claim during the month of February, 2006, in the amount of \$955.51 for damages incurred as the result of a sanitary sewer back-up. This claim has been reviewed by this office and has been **settled** in the amount of \$938.57.

**Farm Bureau Insurance (Claim No. 8000066294/Jack & Elizabeth Peterson, Insured)** filed a subrogation claim during the month of March, 2006, in the amount of \$7,121.44 for damages incurred as the result of a sanitary sewer back-up at insured's residence. This claim has been reviewed by this office and has been **settled** in the amount of \$5,925.23.

### **DENIED CLAIMS:**

**Melissa Huenink** filed a claim during the month of April, 2006, in the amount of \$356.14 for damage incurred to tire as the result of a pothole. This claim has been reviewed by this office and has been **denied**.

**Kevin Boyce** filed a claim during the month of April, 2006, in an unspecified amount for injury incurred as the result of a fall on sidewalk. This claim has been reviewed by this office and has been **denied**.

**Mark Lagrimini and Shannon Lagrimini** filed a claim during the month of April, 2006, in the amount of \$247.00 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

**Jason M. Lilly** filed a claim during the month of April, 2006, in an unspecified amount for injury incurred when claimant was struck by a vehicle while he was driving his motorized wheelchair on the street. Claimant alleges that the City's failure to place a handicap accessible ramp on the sidewalk forced him to drive his wheelchair into the street. This claim has been reviewed by this office and has been **denied**.

**Mike Langfeldt** filed a claim during the month of April, 2006, in the amount of \$140.32 for damage incurred to sprinkler heads as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

**Marcia Lyman** filed a claim during the month of April, 2006, in an unspecified amount for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

**Gary L. Zager** filed a claim during the month of April, 2006, in the amount of \$108.06 for damage incurred to sprinkler heads as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

**Michael Flowers and Alice Flowers** filed a claim during the month of April, 2006, in the amount of \$3,603.30 for damage incurred to vehicle as the result of a fallen tree limb. This claim has been reviewed by this office and has been **denied**.

#### **SETTLED LITIGATION:**

**Neil Kringel and April Kringel and Neil and April Kringel on behalf of their minor child, Blake Kringel**, filed a claim during the month of May, 2002, in the amount of \$1,000,000 for damages allegedly incurred when Blake Kringel fell off of his bicycle and into a culvert. This claim was reviewed by this office and denial of this claim was approved by the City Council on May 12, 2003. Neil Kringel, as father and next friend of Blake Kringel, filed suit in the Lancaster County District Court on March 12, 2004, naming the City of Lincoln as a defendant. The Lincoln Housing Authority was named as a third-party defendant in the action. This case has been **settled** in the amount of \$7,000, with the City and Housing Authority each paying \$3,500 of the settlement.

#### **PENDING CLAIMS:**

**State Farm Insurance Company (Richard D. Scholl, Insured)** filed a subrogation claim during the month of January, 2004, for expenses incurred as the result of a motor vehicle accident involving a vehicle driven by Tammy Scholl and a Lincoln police vehicle. **Tammy J. Scholl** filed a claim during the month of August, 2004, in an unspecified amount for injuries incurred as the result of the accident with the police vehicle. These claims are under review and **pending**.

**Brainard HVAC, Inc.** filed a claim during the month of January, 2005, for damages incurred as the result of an accident involving a StarTran bus. The property damage portion of this claim has been **settled** in the amount of \$20,500. The injury portion of this claim is **pending**.

**Richard Kister** filed a claim during the month of August, 2005, in an unspecified amount for damages incurred as the result of an accident involving a StarTran bus. This claim is under review and is **pending**. **American Family Insurance Group (Claim No. 00-071-423264-0422/Shannon Johnson, Insured)** filed a subrogation claim during the month of August, 2005, in an unspecified amount for damages incurred as the result of an accident involving insured's vehicle and a Lincoln police vehicle. This claim is under review and is **pending**.

**Thomas Beran and Carol Beran, husband and wife, individually, and as natural guardians and next friend of Brady Beran,** filed a claim during the month of September, 2005, in an unspecified amount. Claimants allege that as a result of acts and omissions of the City, injuries that Brady Beran incurred during a high school football game were not promptly treated and that the delayed treatment caused exacerbated injuries. This claim is under review and is **pending**.

**Charles Teeters and Kristina Teeters** filed a claim during the month of October, 2005, for damages incurred as the result of an accident involving a StarTran bus. The property damage claim was settled by the Risk Management Office in the amount of \$2,879.16. The personal injury portion of this claim is **pending**.

**Lillian Irene Gembler** filed a claim during the month of November, 2005, in the amount of \$4,355,000 for injuries incurred when claimant was struck by a vehicle as she was walking in the crosswalk at 11<sup>th</sup> & "O" Street. The vehicle that struck claimant is owned by the City of Lincoln and was being driven by an employee of the Downtown Lincoln Association. This claim is under review and is **pending**.

**Brenda Pick** filed a claim during the month of January, 2006, in an unspecified amount for damages incurred as the result of a motor vehicle accident involving a Public Works vehicle. **Progressive Insurance Co.** filed a subrogation claim during the month of January, 2006, in an unspecified amount for medical payments made on behalf of their insured, Brenda Pick, as a result of the motor vehicle accident. These claims are under review and are **pending**.

**Timberline LLC** filed a claim during the month of January, 2006, in the amount of \$10,411.18 for damage incurred to rental property as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Neal Barkley and Nancy Barkley** filed a claim during the month of January, 2006, in the amount of \$12,683.02 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Zach Shefferd** filed a claim during the month of January, 2006, in the amount of \$27,563.95 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Laura McNemar** filed a claim during the month of January, 2006, in an unspecified amount for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Galen Miller and Leisa Miller** filed a claim during the month of January, 2006, in an unspecified amount for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Lyndsey Roggow** filed a claim during the month of February, 2006, in the amount of \$749.12 for damage incurred to vehicle as the result of an accident involving a Public Works vehicle. This claim is under review and is **pending**.

**Molly Beckman** filed a claim during the month of February, 2006, in an unspecified amount for injury allegedly incurred while she was a passenger on an Aging van. This claim is under review and is **pending**.

**Linda N. Brown** filed a claim during the month of February, 2006, in the amount of \$196,879.59 for injury allegedly incurred as the result of a fall on sidewalk. This claim is under review and is **pending**.

**Azim Ebrahim** filed a claim during the month of March, 2006, in an unspecified amount for injury incurred when claimant allegedly slipped on ice at the parking lot at 427 South 10<sup>th</sup> Street. This claim has been referred to the insurance carrier for processing.

**Jack Crowley and Jeanie Crowley** filed a claim during the month of April, 2006, in an unspecified amount for medical expenses incurred as the result of injury sustained by Jack Crowley when he fell at a City park. This claim is under review and is **pending**.

**Jeremy A. Walburn and Teresa K. McKeon** filed a claim during the month of April, 2006, in an unspecified amount for damages incurred as the result of an accident involving a street sweeper. This claim is under review and is **pending**.

**Jack R. Judd Jr.** filed a claim during the month of April, 2006, in the amount of \$2,964.14 for damage incurred to vehicle when struck by a StarTran bus. This claim is under review and is **pending**.

**Allied Insurance (Claim No. 26E60638/Julie Chilcott, Insured)** filed a claim during the month of April, 2006, in the amount of \$3,192.88 for damage incurred to insured's vehicle as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

**Robyn Spaeth** filed a claim during the month of April, 2006, in the amount of \$665.49 for damage incurred to vehicle when it was struck by an errant golf ball from Mahoney Golf Course. This claim is under review and is **pending**.

**Arlene Brubaker** filed a claim during the month of April, 2006, in an unspecified amount for injury incurred while claimant was a passenger on a StarTran handivan. This claim is under review and is **pending**.

#### **PENDING TORT LITIGATION:**

**Sandra Mueller** filed a claim during the month of January, 2003, in the amount of \$650,000 for alleged damages incurred as the result of an alleged incident involving a vehicle operated by a Lincoln Electric System employee. Sandra Mueller's husband, **Duane Mueller**, has filed a claim in the amount of \$250,000 for alleged damages incurred as a result of the alleged incident. These claims were referred to counsel for Lincoln Electric System. A suit was filed in the Lancaster County District Court on August 5, 2003. Litigation is **pending**.

**Suzanne Cain** filed a claim during the month of July, 2003, in the amount of \$500,000 for injury allegedly incurred as the result of a trip and fall on sidewalk. This claim was reviewed by this office and denial of this claim was approved by the City Council on February 2, 2004. **American International Recovery, Inc. (Omni Behavioral Health, Insured)** filed a subrogation claim during the month of April, 2003, for workers compensation benefits paid on behalf of the insured's employee, Suzanne Cain, as a result of her trip and fall accident. This claim was reviewed by this office and denial of this claim was approved by the City Council on February 23, 2004. A suit was filed in the Lancaster County District Court on March 10, 2004, naming Gold's Limited Partnership and City of Lincoln, Nebraska as Defendants and Omni Behavioral Health, Inc. and American International Recovery, Inc. as Third-Party Defendants. Litigation is **pending**.

**Barbara Poppe and Arthur Poppe** filed a claim during the month of November, 2003, in the amount of \$1,000,000 in connection with the death of their daughter, Heather Poppe, as the result of a motor vehicle accident involving a vehicle that was driven by a Robin Siefker. Claimants allege that Lincoln police had been notified that Mr. Siefker was likely to be a danger to himself or others, and therefore, claimants allege that Mr. Siefker should have been in police custody at the time of the accident. This claim was reviewed by this office and denial of this claim was approved by the City Council on December 5, 2003. A suit was filed in the Lancaster County District Court on November 24, 2004. On February 14, 2005, the Court sustained the City of Lincoln's motion to dismiss. Plaintiff has appealed. Litigation is **pending**.

**Allied Insurance (Claim No. 26E29478/Allan Albers, Insured)** filed a claim during the month of March, 2004, in the amount of \$1,685.50 for damage incurred to insured's vehicle as the result of an accident

involving a City street sweeper. This claim was reviewed by this office and denial of this claim was approved by the City Council on December 6, 2004. A suit was filed in the Lancaster County Court on February 28, 2005. Litigation is **pending**.

**Donna Lilly and Michael Lilly** filed a claim during the month of September, 2004, against the City of Lincoln, Lancaster County, and the Public Building Commission in the amount of \$1,000,000 for alleged damages incurred as the result of injuries Donna Lilly sustained when she allegedly slipped and fell on the steps of the County/City Building, which claimant alleges were ice and snow-covered. The claim against the City of Lincoln was reviewed by this office and denial was approved by the City Council on September 27, 2004. A suit was filed in the Lancaster County District Court on March 23, 2005, naming the Public Building Commission, Lancaster County, and the City of Lincoln as Defendants. Plaintiffs are seeking special damages in the amount of \$34,000 and general damages. On February 22, 2006, the City of Lincoln and Lancaster County were **dismissed** from the suit. The only remaining defendant is the Public Building Commission.

**Roberto Mancilla, Rubia Menendez, and David Mancilla Menendez** filed a claim during the month of May, 2004, in an unspecified amount for damages incurred as the result of a motor vehicle accident involving a Lincoln police vehicle. A suit was filed in the Lancaster County District Court on April 28, 2005, naming Lincoln Police Officer Champoux and the City of Lincoln as Defendants. Plaintiffs are seeking special damages in the amount of \$21,872.55, future medical expenses, and general damages for pain and suffering. Litigation is **pending**.

**Fleet Systems, Inc./William F. Dugan** filed a claim during the month of September, 2004, in the amount of \$1,705.65 for damage incurred to vehicle as the result of an accident involving a StarTran bus. This claim was reviewed by this office and denial of this claim was approved by the City Council on October 11, 2004. A suit was filed in the Lancaster County Court on May 23, 2005. Litigation is **pending**.

**Kim Roehrs-Lary** filed a claim during the month of January, 2005, in the amount of \$100,000 for injury incurred when claimant allegedly fell in a hole located in alley behind Bethany Christian Church. A suit was filed in the Lancaster County District Court on September 7, 2005, naming the City of Lincoln and Bethany Christian Church as Defendants. Litigation is **pending**.

**Ashley S. Chaves** filed a claim during the month of September, 2005, in an unspecified amount for damages incurred as the result of an accident involving a Lincoln fire truck. This claim was reviewed by this office and denial of this claim was approved by the City Council on October 17, 2005. A suit was filed in the Lancaster County Court on December 13, 2005, naming the City of Lincoln and Kenton P. Schuster as Defendants. Litigation is **pending**.

**Timothy Meints** filed a claim during the month of July, 2005, in an unspecified amount for alleged injuries and damages incurred when claimant was allegedly falsely detained and subjected to an assault and battery by Lincoln police. This claim was reviewed by this office and denial of this claim was approved by the City Council on September 19, 2005. A Complaint was filed in the Lancaster County Court on January 5, 2006, naming the City of Lincoln, Lincoln Police Department, and several Lincoln police officers as defendants. Litigation is **pending**.

**Ettamae Branstetter** filed a claim during the month of July, 2005, in an unspecified amount for injury incurred when the automated door at the Eisley Library struck the claimant as she was exiting the Library causing her to fall. Claimant was a volunteer at the Library. This claim was reviewed by this office and denial of this claim was approved by the City Council on March 6, 2006. A Complaint was filed in the Lancaster County District Court on April 19, 2006. Litigation is **pending**.

**Troy Stonacek and Shari Stonacek** filed a claim during the month of July, 2005, in an unspecified amount for alleged damages incurred as the result of alleged failure to provide claimants with proper base flood elevations prior to construction of claimants' home. This claim was withdrawn on February 3, 2006, and suit has been filed in the Lancaster County District Court naming Home Real Estate, Merle Jahde, LPT, Inc., Lyle Loth, and the City of Lincoln as defendants. Litigation is **pending**.

Respectfully submitted,

James D. Faimon  
Assistant City Attorney

JDF/skb  
c: Risk Management